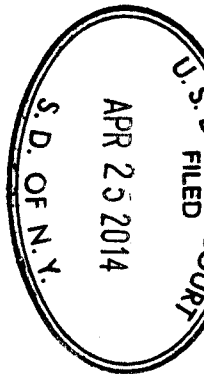


DOC # 96

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Search of The PREMISES  
known and described as the email account  
[REDACTED]@MSN.COM, which is  
controlled by Microsoft Corporation

Action Nos. 13-MAG-2814, M9-150



Declaration Of [REDACTED]

I, [REDACTED], declare as follows:

1. I am a Program Manager for Microsoft Corporation. I have worked for Microsoft since 2009. I attended Carnegie Mellon from 2005-2009 and received a BS in computer science. I have worked on Microsoft's web-based email services since 2009.

2. In my current position, I am responsible for the tools used to respond to requests by law enforcement agencies for information stored by Microsoft's web-based email service, which currently is called Outlook.com. I have personal knowledge of the facts stated in this declaration.

3. When Microsoft receives a search warrant for stored electronic information, the Global Criminal Compliance ("GCC") team is responsible for handling the response. The GCC team works from offices in the United States (in California and Washington).

4. The GCC team uses a database management program [REDACTED]


[REDACTED] tool to collect the data sought by search warrants. The [REDACTED] tool [REDACTED]

[REDACTED] is accessed via

a web user interface.

5. When collecting email account data sought by a search warrant, a GCC team member first determines the location of the Microsoft server on which the data is stored. To do this, the GCC team member logs into [REDACTED] and enters certain identifying information about the user account for which data is sought. The [REDACTED] tool then locates the account and determines where data for the account is stored.

6. Once a GCC team member has located the data, the team member may then [REDACTED] collect the requested information from the server on which the user's account is stored.



7. I have reviewed the warrant issued to Microsoft on December 4, 2013, by the United States District Court for the Southern District of New York (the "Warrant"). A true and accurate copy of the Warrant is attached to this declaration as Exhibit 1. I have entered the account information from the Warrant [REDACTED] determined the location of the user data, and ascertained that the data for the targeted account is stored on Microsoft's servers in Microsoft's datacenter in Dublin, Ireland.

8. I also attach to this declaration as Exhibit 2 a true and accurate copy of a custodian of records form prepared by GCC, certifying that any information associated with the

targeted user account that may be stored in the United States has been produced to the Government.

\* \* \*

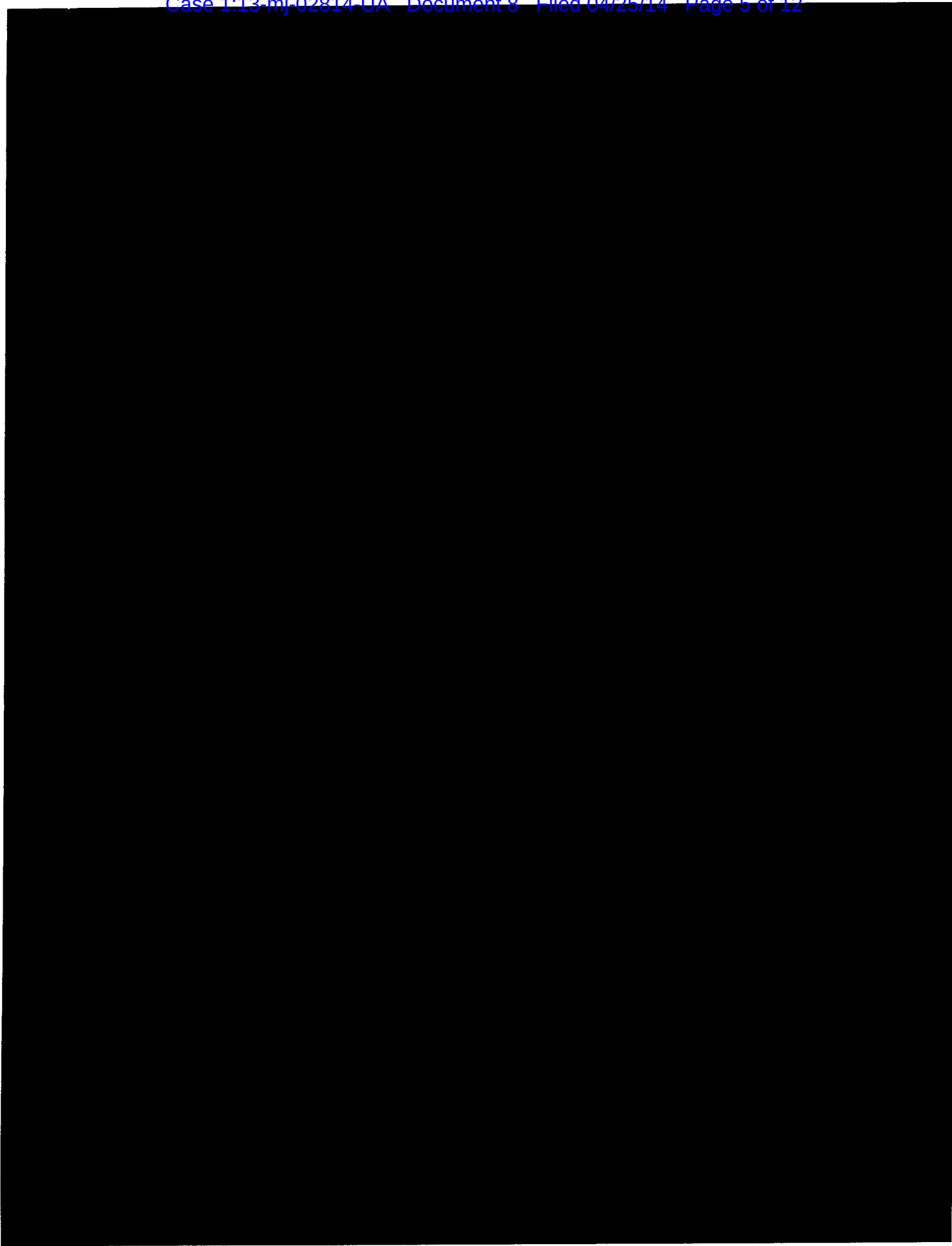
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/17/13

Signed:

A large black rectangular redaction box covering the signature area.

# Exhibit 1



AO 93 (SDNY Rev. 05/10) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the  
Southern District of New York**13 MAG 2814**In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address )

Case No.

The PREMISES known and described as the email account )  
[REDACTED]@MSN.COM, which is controlled by Microsoft Corporation )

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the WESTERN District of WASHINGTON  
(Identify the person or describe the property to be searched and give its location):  
The PREMISES known and described as the email account [REDACTED]@MSN.COM, which is controlled by Microsoft Corporation (see attachments).

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):  
See attachments.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before December 18, 2013  
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the Clerk of the Court.

☒ Upon its return, this warrant and inventory should be filed under seal by the Clerk of the Court.

JCMJ Initials

☒ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☒ for 30 days (not to exceed 30).

☐ Until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: December 4, 2013

4:32 pm

James C. Francis IV  
Judge's signatureCity and state: New York, NYHon. James C. Francis IV, Magistrate Judge, SDNY  
Printed name and title

ATTACHMENT A

Property To Be Searched

This warrant applies to information associated with

██████████@msn.com, which is stored at premises owned,  
maintained, controlled, or operated by Microsoft Corporation, a  
company headquartered at One Microsoft Way, Redmond, WA 98052.

ATTACHMENT C

Particular Things To Be Seized

I. Information To Be Disclosed By MSN [REDACTED]:

To the extent that the information described in Attachment A for MSN, [REDACTED], is within the possession, custody, or control of MSN [REDACTED], then MSN [REDACTED] is required to disclose the following information to the Government for each account or identifier listed in Attachment A [REDACTED] (the "TARGET ACCOUNT") for the period of inception of the account to the present:

- a. The contents of all e-mails stored in the account, including copies of e-mails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files,



and means and sources of payment (including any credit or bank account number);

- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All records pertaining to communications between MSN [REDACTED] and any person regarding the account, including contacts with support services and records of actions taken.

## II. Information To Be Seized By The Government

A variety of techniques may be employed to search the seized e-mails for evidence of the specified crimes, including but not limited to keyword searches for various names and terms including the TARGET SUBJECTS, and other search names and terms; and email-by-email review.

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21, United States Code, Sections 846, 959, 960, and 963, Title 46, United States Code, Section 70503, and Title 18, United States Code, Section 1956, including, for each account or identifier listed on Attachment A [REDACTED], information pertaining to the following matters:

- a. Any communications:

1. Pertaining to narcotics, narcotics trafficking, importation of narcotics into the United States, money laundering, or the movement or distribution of narcotics proceeds;

2. [REDACTED]  
[REDACTED];

3. Pertaining to the use of ports or other places of entry to receive or ship narcotics or narcotics proceeds;

4. Related to the physical location of the TARGET SUBJECTS and their co-conspirators;


5. Constituting evidence of who uses the TARGET ACCOUNT, and where they live and work, and where they are using the TARGET ACCOUNT; and

6. Constituting information relating to who created, used, or communicated with the account or identifier, including records about their identities and whereabouts.

# Exhibit 2

RE: GCC-562972-J9D5H8

**DECLARATION OF AUTHENTICATION OF BUSINESS RECORDS**  
**(Pursuant to Federal Rules of Evidence 803(6) and 902(11))**

I, , am the Custodian of Records, or am otherwise qualified to authenticate the records of Microsoft Corporation. Microsoft Corporation has provided the attached records pursuant to a Search Warrant.

I hereby certify that the attached records are business records of the regularly conducted activity, and that I am a custodian or am otherwise qualified as to the authentication of these records. I also certify that these records are:

1. made at or near the time of the occurrence of the matter set forth in the records by a person with knowledge of those matters or for information transmitted by a person with knowledge of those matters; and are true copies of the original records described in the Search Warrant and are stored on Microsoft servers inside the United States.
2. kept in the course of regularly conducted activity; and were made by the regularly conducted activity as a regular practice.
3. made by the regularly conducted activity as a regular practice.

The address and phone number where I can be reached at are:

Microsoft Corporation  
1065 LaAvenida, Mountain View, CA 94043  
425-722-1299

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Signed: 

Dated this December 17, 2013